

REMARKS

The Official Action mailed July 3, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 15, 2004; September 27, 2005; and March 2, 2006.

Claims 1-55 were pending in the present application prior to the above amendment. The features of dependent claims 16, 43, 47 and 49 have been incorporated into independent claims 11 and 39-41, respectively. Accordingly, claims 1-15, 17-42, 44-46, 48 and 50-55 are currently pending, of which claims 1, 2, 5-8, 11-14 and 39-41 are independent. Claims 11 and 39-41 have been amended to better recite the features of the present invention. Claim 22 has been amended to correct a minor informality. Claims 1-10, 12-14 and 19-55 have been withdrawn from consideration by the Examiner (Box 4a, Office Action Summary, and page 2, Paper No. 20060622). Accordingly, claims 11, 15, 17 and 18 are currently elected, of which claim 11 is independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action withdraws claims 39-55 and states that these claims are "directed to an invention that is independent or distinct from the invention originally claimed" (Id.). The Applicant has amended claims 39-41 in a manner similar to claim 11. Claims 40 and 41 have been further amended to better recite the features of the present invention. Although the Examiner has indicated the withdrawal of these claims, the Applicant respectfully submits that claim 11 is generic to claims 39-42, 44-46, 48 and 50-55. As such, the Applicant respectfully submits that the allowance of claim 11 in the present application should result in the allowance of claims 39-42, 44-46, 48 and 50-

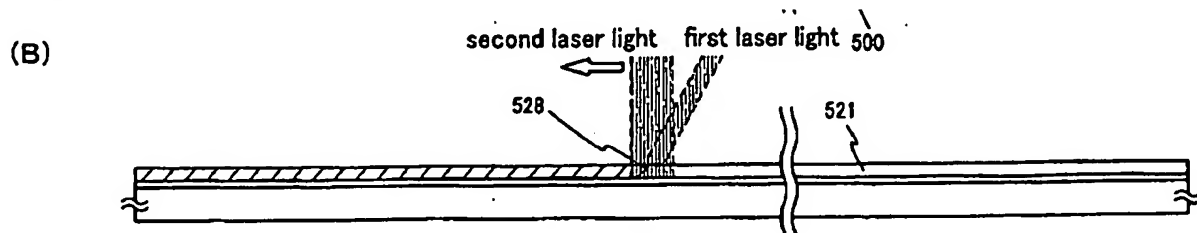
55. Reconsideration of the withdrawal of claims 39-42, 44-46, 48 and 50-55 is respectfully requested.

If the Examiner maintains the withdrawal of claims 39-42, 44-46, 48 and 50-55, the Examiner is reminded that in the event the Applicant pursues one or more divisional applications, no double patenting rejection should be maintained against the claims of a future divisional application which are based on present claims 39-42, 44-46, 48 and 50-55 since such claims have been found to be directed to independent or distinct inventions.

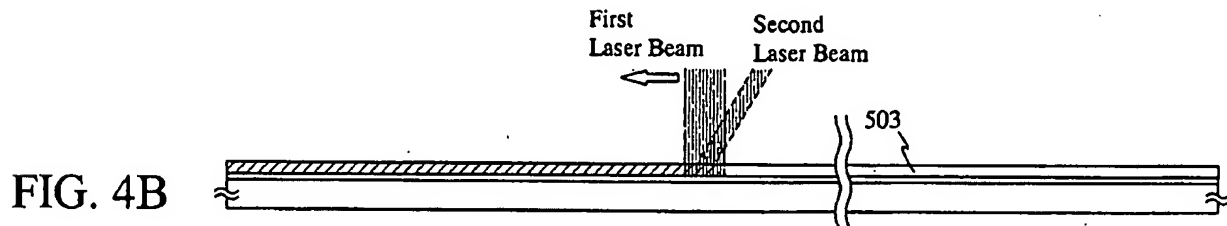
The Official Action rejects claims 11 and 15-18 as anticipated by U.S. Patent Application Publication No. 2004/0119955 to Tanaka. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully submits that an anticipation rejection cannot be maintained against independent claim 11 of the present application. Independent claim 11 recites that when a first laser light and a second laser light are irradiated, a region irradiated by the first laser light and a region irradiated by the second laser light are overlapped in such a way that the region irradiated by the first laser light falls within the region irradiated by the second laser light, which is supported in the present specification, for example, by Figures 10B, 15 and the like (Figure 10B reproduced below).



On the other hand, Tanaka '955 appears to teach that a region irradiated by a second laser light falls within a region irradiated by a first laser light as shown in Figure 4B and the like (Figure 4B reproduced below).



Tanaka '955 does not teach that a region irradiated by a first laser light falls within a region irradiated by a second laser light, either explicitly or inherently. Although the Official Action asserts that paragraphs [0014] and [0015] teach this feature (page 3, Id.), the Applicant respectfully submit that paragraphs [0014] and [0015] of Tanaka '955 do not, in fact, support the assertion in the Official Action.

The Applicant respectfully submits that Tanaka '955 does not teach that when a first laser light and a second laser light are irradiated, a region irradiated by the first laser light and a region irradiated by the second laser light are overlapped in such a way that the region irradiated by the first laser light falls within the region irradiated by the second laser light, either explicitly or inherently.

Since Tanaka '955 does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 11 and 15-18 as anticipated by U.S. Patent No. 6,528,397 to Taketomi. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

Independent claim 11 has been amended to recite that a second laser light is a solid-state laser light and has a fundamental wave. The present specification discloses that a second laser light is a Nd:YAG laser having a fundamental wave (1.064 μm), for

example, at paragraph [0155] (as presented in the *Substitute Specification* filed October 6, 2004). On the other hand, Taketomi does not teach that a second laser light is a solid-state laser light and has a fundamental wave, either explicitly or inherently. Specifically, Taketomi does not teach a combination of a solid-state laser light and a fundamental wave for a second laser light.

Since Taketomi does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Pilaud", written over a horizontal line.

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